

Date: April 21, 2015

To: Thomas J. Bonfield, City Manager
Through: W. Bowman Ferguson, Deputy City Manager
From: Marvin G. Williams, Director of Public Works

Subject: Report on Omah Street Road Condition and Petition Status

Executive Summary

At a recent “Coffee with Council” public meeting, a citizen brought up the condition of the 3000 block of Omah Street and questioned why it is not paved. This portion of Omah Street (from W. Carver Street south approximately 480 feet) is an existing city-maintained two lane road constructed primarily out of crushed stone, often referred to as a “dirt street.” Over the years Public Works has been contacted on several occasions about the possibility of improving this street section. As a result, four (4) petitions have been issued over the past eighteen (18) years for curb, gutter, and paving of this section, including a petition that is currently active and in the hands of a new sponsor. To date none of the petitions have been returned to the City with sufficiency criteria having been met as required under the City Charter. The current petition has achieved the required sufficiency of property owner signatures (greater than 50%), but is lacking in the required frontage sufficiency by less than 5 feet.

Recommendation

The Public Works Department recommends that Council receive this report on the current conditions of Omah Street and the status of the latest petition for improvement.

Background

Over the past eighteen (18) years, the Department of Public Works has received numerous inquiries concerning the paving of the portion of Omah Street from W. Carver Street south approximately 480 feet to existing paving. Four (4) petitions have been issued, including the latest petition issued. To date, none of the petitions have been returned as sufficient. The sponsor of the current active petition is struggling to obtain enough signatures to achieve overall sufficiency in this one as well. While the sponsor has obtained a majority of the property owners’ signatures, they do not represent the majority of the road frontage involved. A majority (greater than 50%) must be achieved in both areas for a petition to be deemed sufficient and presented to City Council for consideration. Unfortunately, to date the sponsor is short on the frontage sufficiency by just under five (5) feet.

Issues and Analysis

One of the main hurdles in achieving a sufficient petition lies in the fact that there are two corner properties that actually front W. Carver Street, but are within the limits of the petition. Per the current petition sponsor, both of these properties are rental units, and the property owners have been reluctant to sign the petition. They may not feel that the benefits of paving the street would be worth paying the assessment for the improvement. Under assessment relief criteria, each of these properties would be eligible for relief from a portion of their assessment should this project ultimately be ordered and constructed.

Alternatives

In absence of a sufficient petition, City Council could direct the Administration to prepare an agenda item to hold a public hearing to consider the ordering of this improvement under the Council's Enabling Act Authority. (City Council exercised its Enabling Act Authority most recently in the case of Harvard Avenue and prior to that, Chalk Level Road. In both of those cases numerous petitions had been issued, but the petition sponsors were unable to garner enough signatures from property owners to render the petitions sufficient.) Should the project on Omah Street ultimately be ordered by Council and built, the individual property owners would be assessed a portion of the cost as outlined in the assessment rate schedule in effect at the time of the ordering.

Council could also receive this report as an informational item and let the petition sponsor continue in her efforts to garner a sufficient petition to ultimately be presented to Council for consideration, should that sufficiency be obtained.

Financial Impacts

Both the petition process and the Enabling Act Authority allow the City to construct public improvements and pay for a percentage of the improvements by assessing the abutting properties. It is estimated that the cost to curb, gutter, and pave the existing crushed stone portion of Omah Street would be approximately \$220,000.00, while the cost of the water main extension is estimated to be an additional \$30,000.00. Levied assessments against properties on this portion of Omah would result in the recouping of approximately \$69,000.00 using the current assessment rates of \$45.00 per front foot for curb, gutter, and paving, and \$27.00 per front foot for the necessary water main.

SDBE Summary

N/A